

**JUNE 16, 2008
REGULAR COUNCIL MEETING
PARMA CITY HALL COUNCIL CHAMBERS
7:00 P.M.**

The Regular Council Meeting was called to order by President of Council Charles M. Germana presiding:

COUNCIL MEMBERS PRESENT:

SEAN P. BRENNAN
NICHOLAS J. CELEBREZZE
BRIAN DAY
MARY GALINAS
ROY J. JECH
LARRY NAPOLI
KENNETH A. RAMSER
THOMAS J. REGAS
SCOTT M. TUMA

Mr. Germana – Mr. President, the Roll of Council has been called, and I find a quorum of Council members present.

The following officials and department heads were also present: Mayor Dean E. DePiero, Law Director Timothy Dobeck, Treasurer Anthony C. Zielinski, Public Works Coordinator Jack Sparks, Safety Director Greg Baeppler, Building Commissioner/City Engineer Paul Deichmann, Communications and Community Relations Director Jack Marschall, Recreation Commissioner Mickey Vittardi, Director of Human Resources Elayne Siegfried, Community Development Director Erik Tollerup, Chief of Staff Meghann McCall, Economic Development Officer/Grant Writer Shelley Cullins, Director of Public Housing Lev Kulchytsky, and Clerk of Council Thomas Mastroianni.

INVOCATION

The Invocation was given this evening by Reverend Father Neil D. O'Connor from St. Columbkille Parish.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

VOICE VOTE:

RESOLUTION NO. 164-08 6/16/08 L-164-08

BY: **B. DAY, R. J. JECH**, S. P. BRENNAN, N. J. CELEBREZZE, M. GALINAS, L. NAPOLI,
K. A. RAMSER, T. J. REGAS, S. M. TUMA

A RESOLUTION HONORING REV. FATHER NEIL O'CONNOR
CITIZEN OF THE MONTH – JUNE, 2008

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 164-08. Motion carried.

Mr. Germana – Asked the Clerk of Council to read the Resolution in its entirety and to have Rev. Father Neil O'Connor come forward.

Mr. Mastroianni – Read the Resolution.

Councilman Day and Councilman Jech – Presented the Resolution to Rev. Father O'Connor, along with a Certificate from the Law Director and Treasurer.

Mayor DePiero – Presented a Key to the City to Rev. Father O'Connor.

Rev. Father O'Connor – Thanked everyone.

LEGISLATIVE COMMENT

Mr. Germana – Asked if anyone from the public would like to address Parma City Council concerning legislation or actions that we will be taking final action on tonight. No one wished to speak.

DISPOSAL OF THE JOURNAL

Mr. Germana – Stated, we have the Minutes from the June 2, 2008, Regular Council Meeting. Asked if there were any additions or corrections. Stated, hearing none, the Minutes will stand approved as printed.

COMMUNICATIONS, PETITIONS, AND CLAIMS

Mr. Mastroianni – Request for Variance extension for Anne Burkey – Burkshire Construction Company.

Councilman Celebrezze – Stated, Anne Burkey of Burkshire Construction Company, 6033 State Road, PPN 446-05-012, is requesting an extension for the Variances granted by Council on September 10, 2007. The proposal is to build a new garage/warehouse unit in Retail Business Zoning District.

The first request is for a “Use” Variance of Section 1170.03 – PLANNING AND ZONING CODE-SCHEDULE OF PERMITTED BUILDINGS AND USES. Warehouse units are not a permitted use in Retail Business Zoning Districts. This Variance would result in allowing a storage warehouse to be erected in a Retail Business District.

The second request is for an “Area” Variance of Section 1199.04© - SCREENING AND BUFFERING – BUFFER AREAS FOR YARDS ABUTTING PUBLIC STREETS AND PARKING LOTS-PERIMETER PARKING BUFFER STRIPS. A minimum grass-covered buffer strip of 6’ in width with a 6” high cement curbing is required from the sidewalk to any parking area or driveway aisle that is located in a required yard abutting a public road. The proposal is for zero feet in width and no curbing. This Variance would result in 6’ less width for grass-covered buffer strip and 6” less curbing from sidewalk to parking and driveway aisle.

There is a stipulation that the applicant must see that there is an 8 x 8” curb poured there to be a buffer for the vehicles from the sidewalk.

Motion made by Councilman Celebrezze, seconded by Councilman Day, to grant these Variance extensions to Anne Burkey of Burkshire Construction Company. This is the second request for an extension to these Variances.

Communication dated May 7, 2008, from John & Lisa White regarding their son, Andy White, who finished in third place in the State of Ohio Competition in Business Professionals of America. They thanked Mayor DePiero, Law Director Dobeck, and Treasurer Zielinski for his Resolutions.

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005, Permit Number 3668693 for a D1 Liquor Permit for Hau Hang Corp, dba Watam Japanese Seafood Buffet, 7703 West Ridgewood Drive, Parma, Ohio 44129. Mailed 6/2/08. Responses must be postmarked no later than 7/3/08.

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005, Permit Number 6569856 for a D5, D6 Liquor Permit Transfer from The Hour 11, Ltd., dba Rush Hour Grille, 7426 Broadview Road, Parma, Ohio 44134 to Orchids, Inc., dba Charm Thai, 7426 Broadview Road, Parma, Ohio 44134. Mailed 6/11/08. Responses must be postmarked no later than 7/14/08.

COMMUNICATIONS, PETITIONS, AND CLAIMS CONTINUED:

Notice to Legislative Authority, Ohio Division of Liquor Control, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005, Permit Number 7639831 for a C1, C2 Liquor Permit Transfer from Don Sposit Enterprises, Inc., 5874 Broadview Road, Parma, Ohio 44134 to SDN Corporation, Inc., dba Parma Gas & Food Mart, 5874 Broadview Road, Parma, Ohio 44134. Mailed 6/11/08. Responses must be postmarked no later than 7/14/08.

Mr. Germana – Said Liquor Permits will be referred to the Ward Council and to the Safety Director.

Communication dated May 22, 2008, from United States Senator Sherrod Brown thanking Council on their Resolution No. 31-08 in regards to Medicare for all seniors and letting us know that he is definitely for this.

FIRST READING:

ORDINANCE NO. 192-08 6/16/08 L-192-08
BY: **M. GALINAS**
(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF
PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH
THE LOWEST AND BEST BIDDER FOR THE PURCHASE
OF CHANGEOVER EQUIPMENT FOR THE POLICE
DEPARTMEN'S 2008 CHEVROLET IMPALAS, AND
DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Finance Committee.

ORDINANCE NO. 197-08 6/16/08 L-197-08
BY: **R. J. JECH, S. P. BRENNAN**
(By Request – Mayor)

AN ORDINANCE TO AMEND ORDINANCE NO. 134-05
RELATIVE TO THE NINETY-NINE (99) YEAR LEASE
AGREEMENT WITH THE CLEVELAND METROPARKS FOR
THE LEASE OF CERTAIN LANDS WITHIN THE CITY OF
PARMA KNOWN AS THE WEST CREEK PRESERVE WHICH
WILL ALLOW FOR ADDITIONAL LAND TO BE ADDED TO
THE PRESERVATION, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Finance Committee.

FIRST READING CONTINUED:

ORDINANCE NO. 198-08

6/16/09

L-198-08

BY: **S. M. TUMA**

(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF JOHNSON, MILLER & SCHMITZ, LLP, FOR LEGAL SERVICES FOR LABOR NEGOTIATIONS WITH UNIFORM PERSONNEL, AND DECLARING AN EMERGENCY

Mr. Germana – Said Ordinance will be referred to the Finance Committee.

SECOND READING:

ORDINANCE NO. 183-08

6/2/08

L-183-08

BY: **B. DAY**

(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE HIGHEST AND BEST BIDDER(S) FOR THE SALE OF CITY-OWNED REAL PROPERTY LOCATED ON SOUTH PARK BOULEVARD, NEAR THE INTERSECTION OF SOUTH PARK BOULEVARD AND LUCERNE AVENUE IN THE CITY OF PARMA, AND KNOWN AS PERMANENT PARCEL NUMBER 444-27-018, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 183-08 back to the Finance Committee. Motion carried.

ORDINANCE NO. 185-08

6/2/08

L-185-08

BY: **L. NAPOLI**

(By Request – Service Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE WEST PARKVIEW DRIVE SLOPE FAILURE IMPROVEMENTS, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 185-08 back to the Finance Committee. Motion carried.

SECOND READING CONTINUED:

ORDINANCE NO. 189-08

6/2/08

L-189-08

BY: **B. DAY**

(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT BY AND BETWEEN FERRETS UNLIMITED SHELTER/THE RAISIN RETREAT, THE CITY OF PARMA, AND THE PARMA COMMUNITY IMPROVEMENT CORPORATION (P.C.I.C.) FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS PERMANENT PARCEL NUMBERS 444-24-004 AND 444-24-005, 5713 STATE ROAD IN THE CITY OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to refer Ordinance No. 189-08 back to the Finance Committee. Motion carried.

SECOND READING SUSPENSION OF THE RULES:

ORDINANCE NO. 176-08

6/2/08

L-176-08

BY: **S. P. BRENNAN**

(By Request – Human Resources Director)

AN ORDINANCE TO AMEND A PORTION OF EXHIBIT "A" OF ORDINANCE NO. 348-04 TO CHANGE THE TITLE OF THE POSITION OF "RETIREMENT COORDINATOR" TO "HUMAN RESOURCES COORDINATOR," AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 176-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 176-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 176-08 is adopted.

THIRD READING:

RESOLUTION NO. 9-08

1/14/08

L-9-08

(As amended)

BY: **S. M. TUMA**, T. J. REGAS, N. J. CELEBREZZE, B. DAY, M. GALINAS, R. J. JECH, L. NAPOLI, K. A. RAMSER, S. P. BRENNAN

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CERTAIN PUBLIC STREETS, ROADS, BOULEVARDS AND PLACES IN THE CITY OF PARMA, OHIO, BY PROVIDING STREET LIGHTING, AND DECLARING AN EMERGENCY

THIRD READING CONTINUED:

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Resolution No. 9-08 as follows: "That in Section 1., the period shall be "January 1, 2009, through December 31, 2009." Also a portion of Section 8 shall read as follows: "The special assessments to be levied shall be paid in One Annual Payment; provided,".... Also, moved to waive Rule 51 and place Resolution No. 9-08 on Third Reading for passage as amended." Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 9-08 as amended.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Resolution No. 9-08 is adopted.

ORDINANCE NO. 160-08 5/19/08 L-160-08

BY: **K. A. RAMSER, T. J. REGAS**, S. P. BRENNAN, M. GALINAS, R. J. JECH, L. NAPOLI,
B. DAY
(By Request – Mayor)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF
PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH
THE CUYAHOGA COUNTY ENGINEER FOR THE REPAIR
AND RESURFACING OF SPRAGUE ROAD (CR-67) FROM
YORK ROAD (CR-46) TO STATE ROAD (SR-94), AND
DECLARING AN EMERGENCY

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 160-08.

Councilman Brennan – Asked what is the expected date of completion.

Mayor DePiero – Stated, this project will begin in the year 2010.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 160-08 is adopted.

ORDINANCE NO. 172-08 5/19/08 L-172-08

BY: **M. GALINAS**, T. J. REGAS, S. M. TUMA, S. P. BRENNAN, N. J. CELEBREZZE, B. DAY,
R. J. JECH, L. NAPOLI, K. A. RAMSER
(By Request – Safety Director)

AN ORDINANCE AUTHORIZING THE DIRECTOR OF
PUBLIC SAFETY TO ENTER INTO A CONTRACT UNDER
THE STATE OF OHIO COOPERATIVE PURCHASE
PROGRAM FOR THE PURCHASE OF FIVE (5) WORKSTATIONS
FOR THE COMMUNICATION CENTER, AND DECLARING AN
EMERGENCY

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 172-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 172-08 is adopted.

SUSPENSION OF THE RULES:

ORDINANCE NO. 190-08 6/16/08 L-190-08
BY: **M. GALINAS**, S. P. BRENNAN, N. J. CELEBREZZE, S. M. TUMA, R. J. JECH, L. NAPOLI
K. A. RAMSER
(By Request – Safety Director)

AN ORDINANCE TO ACCEPT AS A DONATION A 1995
CHEVROLET TRUCK FOR THE TRAFFIC SIGNAL
DIVISION OF THE CITY OF PARMA FROM THE
CUYAHOGA COUNTY PUBLIC LIBRARY, AND DECLARING
AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 190-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 190-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 190-08.

Mayor DePiero – Stated, this is a traffic signal vehicle which is being donated by the County Public Library. We do have a need for an additional vehicle that can service some of the ongoing projects that we have. We believe that it can be utilized. It is in good shape.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 190-08 is adopted.

RESOLUTION NO. 191-08 6/16/08 L-191-08
BY: **B. DAY, M. GALINAS, S. P. BRENNAN**, N. J. CELEBREZZE, R. J. JECH, L. NAPOLI,
K. A. RAMSER, T. J. REGAS, S. M. TUMA

A RESOLUTION URGING THE NATIONAL CREDIT UNION
ADMINISTRATION, THE FEDERAL RESERVE BOARD, AND
THE OFFICE OF THRIFT SUPERVISION TO ADOPT THE
REFORMS PROPOSED FOR THE FEDERAL TRADE COMMISSION
ACT, TRUTH IN SAVINGS ACT, AND TRUTH IN LENDING ACT
TO PROTECT CONSUMERS FROM UNFAIR AND ABUSIVE PRACTICES
BY THE CREDIT CARD INDUSTRY, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 191-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Resolution No. 191-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 191-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Resolution No. 191-08 is adopted.

SUSPENSION OF THE RULES CONTINUED:

ORDINANCE NO. 193-08

6/16/08

L-193-08

BY: **M. GALINAS**

(By Request – Community Services & Economic Development Director)

AN ORDINANCE AUTHORIZING THE MAYOR TO TERMINATE
THE COMMUNITY REINVESTMENT AREA AGREEMENT WITH
FDC REALTY CO., L.L.C., AND REPEAL ORDINANCE NO. 75-00,
AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 193-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 193-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 193-08.

Mayor DePiero – This is a request by the Tax Incentive Review Council to terminate this particular agreement. From time to time, the City does grant tax incentives, and in this particular case, it is a tax incentive agreement for this particular company. We do that in exchange for an agreement for job creation. In this particular case, there's been approximately \$154,000 in property taxes that have been abated over the life of the agreement. We do that to draw business here and to keep business here. It's a good tool to use; however, we also have a responsibility to tax payers, to the school district, etc. The Tax Incentive Review Council has met on this particular agreement, and based upon all the circumstances, determined to recommend to Council to terminate the agreement. We believe at this point, this is the prudent thing to do. Our agreements allow for a clawback provision whereby, because there has been a violation of the agreement, the jobs haven't been created, the city has a right to go after the past property taxes that were abated. We have determined in this particular case that should the company stay in the city, we would not proceed to do that. We believe that we are being fair.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 193-08 is adopted.

ORDINANCE NO. 194-08

6/16/08

L-194-08

BY: **S. M. TUMA**

(By Request – Auditor)

AN ORDINANCE TO AMEND THE 2008 PERMANENT
APPROPRIATIONS OF THE CITY OF PARMA, OHIO,
AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 194-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 194-08 be placed on final passage?

SUSPENSION OF THE RULES CONTINUED:

No: None; motion carried.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 194-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 194-08 is adopted.

RESOLUTION NO. 195-08

6/16/08

L-195-08

BY: **S. M. TUMA**

(By Request – Auditor)

A RESOLUTION APPROVING THE CITY AUDITOR'S POST
CERTIFICATION OF REQUISITIONS AS DETAILED IN
EXHIBIT "A", AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 195-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Resolution No. 195-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Resolution No. 195-08 by accepting Revised Exhibit "A". Motion carried.

Councilman Brennan – Asked for an explanation for the item of Campbell & Levine, LLC, Chapter 11 bankruptcy on Exhibit "A".

Law Director Dobeck – Stated, the Southwest Council of Governments purchased a rescue vehicle through the fire departments of each of those communities. They formed a Council of Governments in which to do this, and they received a homeland security grant to buy a rescue vehicle to be used for this conglomerate. It was purchased from a company called American LaFrance, and they declared bankruptcy earlier this year. Our vehicle was to be delivered last year in September. It was not delivered. They are a Delaware Company, and none of the attorneys in our office were licensed bankruptcy attorneys in Delaware. So we enlisted the services of a Delaware attorney to work our way through the bankruptcy. The truck is now scheduled to be delivered this September for the City and for the Southwest Council of Governments. We have spent \$3,000-\$4,000 on this Law Firm, and it is our intention to share the cost pro rata with the other communities.

Councilman Brennan – Asked for an explanation for the item of McGuinness, LLC – New Fire Station 2 - landscaping. Asked if we anticipate any other old bills coming up for the building of Fire Stations 1 and 2.

Mayor DePiero – Stated, that was the only outstanding bill. It is our understanding that there are no additional invoices.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 195-08 as amended.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Resolution No. 195-08 is adopted as amended.

SUSPENSION OF THE RULES CONTINUED:

ORDINANCE NO. 196-08 6/16/08 L-196-08
BY: **M. GALINAS**, T. J. REGAS, S. M. TUMA, N. J. CELEBREZZE, B. DAY, R. J. JECH,
L. NAPOLI, K. A. RAMSER
(By Request – Safety Director)

AN ORDINANCE TO AMEND A PORTION OF SUBSECTION (a)
OF SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC
SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY OF
PARMA, AND DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Ordinance No. 196-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed with and Ordinance No. 196-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Ordinance No. 196-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Ordinance No. 196-08 is adopted.

RESOLUTION NO. 199-08 6/16/08 L-199-08
BY: **S. P. BRENNAN**, T. J. REGAS, S. M. TUMA, N. J. CELEBREZZE, B. DAY, M. GALINAS,
R. J. JECH, L. NAPOLI, K. A. RAMSER
(By Request – Mayor)

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY AS
CO-APPLICANT WITH THE CITY OF SOUTH EUCLID (LEAD
APPLICANT) AND OTHER FIRST SUBURBS DEVELOPMENT
COUNCIL COMMUNITIES TO THE STATE OF OHIO
DEPARTMENT OF DEVELOPMENT'S "LOCAL SERVICES AND
REGIONAL COLLABORATION GRANT PROGRAM", AND
DECLARING AN EMERGENCY

Mr. Germana – Shall the statutory provision and Rule 47 requiring the full and distinct reading of Resolution No. 199-08 on three different days be dispensed with?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mr. Germana – Shall Rule 44 requiring reference to Committee be dispensed and Resolution No. 199-08 be placed on final passage?

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; motion carried.

Mayor DePiero – Stated, Governor Strickland and Lieutenant Governor Fisher have started a new program to grant dollars to communities for efforts towards regionalism. This grant is for economic development. There is no match from the communities.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Resolution No. 199-08.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Resolution No. 199-08 is adopted.

LEGISLATION TO BE TABLED:

ORDINANCE NO. 114-06

3/20/06

L-13-06

BY: **S. P. BRENNAN, B. DAY**

AN ORDINANCE TO AMEND SECTIONS 1127.01 "PURPOSE"
1127.05 "HEARINGS; QUORUM; VOTING", 1127.09
"REASONS AND STANDARDS FOR GRANTING USE VARIANCES
GENERALLY"; 1127.10 "REASONS AND STANDARDS FOR
GRANTING AREA VARIANCES GENERALLY"; 1127.12 "LAPSE
OF VARIANCES"; 1127.13 "PROCEDURE UPON PROPOSAL TO
VARY"; AND 1127.14 "APPEALS TO COMMON PLEAS COURT"
OF CHAPTER 1127 "BOARD OF ZONING APPEALS" OF THE
CODIFIED ORDINANCES OF THE CITY OF PARMA

Motion made by Councilman Brennan, seconded by Councilman Day, to hold Ordinance No. 114-06 in Committee.

Yes: Regas, Brennan, Celebrezze, Day, Galinas, Napoli.

No: Tuma, Jech, Ramser; Ordinance No. 114-06 will be held in Committee.

*Councilman Brennan – Stated, he is a firm believer that the Board of Zoning Appeals should be the final arbitrator of their decisions because it removes politics from the decision making.

*Councilman Jech – Stated, he disagrees with Councilman Brennan's decision. Feels that Council should have some say as to what happens in their Ward.

*Councilman Day – Stated, he feels this deserves more discussion in Committee because by making the BZA the final say on it, that doesn't mean we're taking Council's say out of it. Council still has a say in making their voice known, but then again Council doesn't have the final say. There definitely is a good argument on both sides.

*Councilman Tuma – Stated, he agrees with Councilman Jech. Having served on the Zoning Board and on Council, he thinks the systems works.

RESOLUTION NO. 118-06

4/3/06

L-117-06

BY: **S. M. TUMA, S. P. BRENNAN, B. DAY**

A RESOLUTION TO RENAME THE PARMA SENIOR CENTER
TO THE PARMA ADULT ACTIVITY CENTER AND OFFICE ON
AGING

Motion made by Councilman Jech, seconded by Councilman Day, to Table Resolution No. 118-06. Motion carried.

Motion made by Councilman Day, seconded by Councilman Jech, to Reconsider Resolution No. 118-06. Motion fails. Resolution No. 118-06 is Tabled.

ORDINANCE NO. 378-07

12/3/07

L-377-07

BY: **N. J. CELEBREZZE**

AN ORDINANCE TO REZONE A PORTION OF PERMANENT
PARCEL NUMBER 445-12-011 AND PERMANENT PARCEL
NUMBER 445-12-006 FROM MULTIFAMILY B1 HOUSE
DISTRICT TO RETAIL BUSINESS C1 DISTRICT, LOCATED
ON BROADVIEW ROAD, IN THE CITY OF PARMA

LEGISLATION TO BE TABLED CONTINUED:

Motion made by Councilman Jech, seconded by Councilman Day, to Table Ordinance No. 378-07. Motion carried.

Motion made by Councilman Day, seconded by Councilman Jech, to Reconsider Ordinance No. 378-07. Motion fails. Ordinance No. 378-07 is Tabled.

LEGISLATION TO BE RECONSIDERED:

ORDINANCE NO. 139-08 5/5/08 L-139-08
(As amended)

BY: **M. GALINAS, S. P. BRENNAN**, N. J. CELEBREZZE, B. DAY, L. NAPOLI, K. A. RAMSER,
T. J. REGAS, S. M. TUMA
(By Request – Safety Director)

AN ORDINANCE TO ENACT CHAPTER 709 "PET SHOPS",
AND TO AMEND A PORTION OF SUBSECTION © of
SECTION 185.04 "FEES OF THE DIRECTOR OF PUBLIC
SAFETY" OF THE CODIFIED ORDINANCES OF THE CITY
OF PARMA, AND DECLARING AN EMERGENCY

Motion made by Councilman Tuma, seconded by Councilman Day, to Reconsider Ordinance No. 139-08. Motion carried.

Motion made by Councilman Tuma, seconded by Councilman Day, to amend Ordinance No. 139-08 as follows: In Section 2., the correct fee for Peddlers, solicitors and vendors is "\$40.00", and the correct fee for Private Policeman or Policewoman License is "\$7.50". Motion carried.

Motion made by Councilman Jech, seconded by Councilman Day, to adopt Reconsidered Ordinance No. 139-08 as amended.

Yes: Regas, Tuma, Brennan, Celebrezze, Day, Galinas, Jech, Napoli, Ramser.

No: None; Reconsidered Ordinance No. 139-08 is adopted as amended.

APPOINTMENTS AND CONFIRMATIONS

Motion made by Councilman Ramser, seconded by Councilman Day, to reappoint David Jancewicz to the Building Board of Appeals. Mr. Jancewicz's new five-year term will begin on June 19, 2008, and continue through June 18, 2013. Motion carried.

PUBLIC SESSION

Mr. Joseph Miscoviac, 8355 Selwick Drive – Stated, the Police were after him 19 times on State Route 3 and deliberately pushed him to give him tickets. Feels he never hurt anyone. He feels this is uncalled for. Stated he is 93 years old. He wants to know what is going on and who is after him. Asked what is going to be done about this.

MISCELLANEOUS BUSINESS

Mayor DePiero – Thanked everyone for helping the City raise \$8,000 at the Mayor's 5K Run this year for the Seasons of Life. Concerning Ordinance No. 114-06, stated he can see both sides of the argument. Feels Council should have more discussion on it. Let's get some ideas from other cities how they handle their Board of Zoning Appeals and Board of Building and Planning Commission. Maybe asking the County Planning Commission to weigh in and possibly have a Hearing on it in order to make an informed decision. Maybe there could be a super majority to overturn the Board of Zoning Appeals decision.

MISCELLANEOUS BUSINESS CONTINUED:

This week, the State Road and Snow Road Projects have begun. There are a number of projects that will begin this week: Sharon Drive, Klusner Drive, Stanfield Drive, Lincoln Avenue, Brookdale Avenue, and Stanfield Drive – the grinding and the milling and the paving.

Safety Director Baeppler – Stated, to Mr. Miscoviac that they spoke earlier last winter. The problem was sanitary sewer problems which were addressed. As far as the traffic stops, he will be glad to discuss the problem with him after the meeting.

Public Works Coordinator Sparks – No comment.

Treasurer Zielinski – No comment.

Councilman Regas – No comment.

Councilman Tuma – Thanked the Mayor, Chief of Police, and Safety Director for their cooperation and participation in the City Walk-about in his Ward last Thursday. It was very successful. Feels this is a great program.

Councilman Brennan – Stated he attended the Parma City Schools Community Business Schools Partnership meeting and on behalf of Council, he accepted the Certificate of Recognition presented to the City of Parma for outstanding contributions to the Parma City School District as a member of the Community Business Schools Partnership.

Councilman Celebrezze – Last Sunday, he had the opportunity to present an award at St. Josephat's for the closing of their school. The students and the teachers were very appreciative of all that City Council has done.

Councilman Day – Thanked everyone for their support for Father O'Connor this evening. He is very humble and doesn't like recognition, but he has done a lot for St. Columbkille. Feels we are very lucky with the religious leaders that we have in our community.

Councilwoman Galinas – Stated, tomorrow Parma CERT will be with the Parma Historical Society at Stearns Homestead at 7:00 p.m. The Vet Center will have an open house hot dog lunch on the third Friday of every month. They are trying to encourage Veterans to come and see where they are.

Stated, previously a Canal Fulton Police Officer was shot four times. The man who shot him was sentenced to 50 years and was due to be parolled. The family was asking that everyone write so that this can be discouraged from happening. Stated, she would like to see that criminals who shoot Police Officers not be parolled.

Councilman Jech – Thanked Councilman Day for his efforts with the Resolution for Father O'Connor this evening. As far as this Board of Zoning Appeals issue, he is not opposed to further discussion.

Councilman Napoli – Stated he has several residents in his Ward inquire about homes that are in foreclosure. They would like to purchase some of these parcels. Asked the Law Director what these people need to do.

Councilman Ramser – No comment.

MISCELLANEOUS BUSINESS CONTINUED:

Mr. Germana – Stated, we had a very successful Rib burn off a week ago. The Chamber of Commerce is having a volunteer recognition at the Blue Moose on Thursday night from 5:00-7:00 p.m. Stated, Council will change the regular Council Meeting from July 7th to June 30th. The Committee Meetings will be on June 23rd, along with the BW presentation concerning the Fire Station regionalization proposal. There is a BZA Meeting on July 8th and there is a need for a Special Meeting either the 9th or 10th to act on a Variance for Ward 4. There are two Public Hearings on July 7th.

REPORT ON ABSENT MEMBERS

Motion made by Councilman Jech, seconded by Councilman Day, to excuse Auditor Dennis M. Kish and Service Director Brian Higgins. Motion carried.

ADJOURNMENT

Motion made by Councilman Jech, seconded by Councilman Day, to adjourn said Council Meeting. Motion carried.

CERTIFICATION

I, Thomas Mastroianni, Clerk of Council for the City of Parma, Ohio, do hereby certify that the above is a true and correct copy of the Minutes from the Regular Council Meeting held on Monday, June 16, 2008.

THOMAS MASTROIANNI
CLERK OF COUNCIL

CHARLES M. GERMANA
PRESIDENT OF COUNCIL

Meeting adjourned at 8:25 P.M.

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Minutes completed June 25, 2008